

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 58th LEGISLATURE - REGULAR SESSION

COMMITTEE ON AGRICULTURE

Call to Order: By **CHAIRMAN DIANE RICE**, on February 11, 2003 at 3:20 P.M., in Room 172 Capitol.

ROLL CALL

Members Present:

Rep. Diane Rice, Chairman (R)
Rep. Joan Andersen (R)
Rep. Norman Ballantyne (D)
Rep. Bob Bergren (D)
Rep. Norma Bixby (D)
Rep. Carol Lambert (R)
Rep. Bruce Malcolm (R)
Rep. Jim Peterson (R)
Rep. Brennan Ryan (D)
Rep. Veronica Small-Eastman (D)
Rep. Frank Smith (D)
Rep. Donald Steinbeisser (R)
Rep. Karl Waitschies (R)

Members Excused: Rep. Verdell Jackson, Vice Chairman (R)
Rep. Ralph Lenhart, Vice Chairman (D)
Rep. Bill Thomas (R)

Members Absent: None.

Staff Present: Lisa Gallagher, Committee Secretary
Krista Lee Evans, Legislative Branch

Please Note: These are summary minutes. Testimony and discussion are paraphrased and condensed. Tape stamp refers to material immediately following.

Committee Business Summary:

Hearing & Date Posted: HJ 15, 1/30/2003; HJ 17, 2/5/2003;
HJ 18, 2/5/2003; SJ 8, 2/5/2003
Executive Action: HJ 15; HJ 17; HJ 18

HEARING ON HJ 15

Sponsor: REPRESENTATIVE PAT WAGMAN, HD 26, Livingston

Opening Statement by Sponsor:

{Tape: 1; Side: A; Approx. Time Counter: 0 - 3.1}

REP. WAGMAN handed out his talking points to the Committee.
EXHIBIT (agh30a01)

Proponents' Testimony:

Bill Garrison, Montana Stock Growers Association, said that the cattle industry faces brucellosis, and that the bison are a threat to Montana's 1.1 billion-dollar industry. In Idaho the elk spread brucellosis to the cattle. This resolution will send a clear message to Congress and the President that a vaccine is needed.

Barbara Broberg, WIFE, stated that they are in support of this resolution.

John Youngberg, Montana Farm Bureau, said that they support this resolution, and testing needs to be done so that brucellosis can be eliminated in bison.

Dr. Arnold Gertonson, Montana Department of Livestock, said that it is a realistic goal to eliminate brucellosis in the bison in Yellowstone National Park by the year 2010, and that there is a need to increase brucellosis testing. Brucellosis is a disease and something needs to be done about it. He also stated that he is in full support of this resolution.

Jeff Hagener, Director of Montana Fish, Wildlife & Parks, submitted his written testimony.
EXHIBIT (agh30a02)

Cork Mortensen said that he worked in Yellowstone Park in the 1960's, and when they changed their type of management to "natural management" things became not management at all. The problem is that there is too many animals for the amount of forage.

Opponents' Testimony:

{Tape: 1; Side: A; Approx. Time Counter: 11.5 - 22.6}

Jim Coefield, The Ecology Center, submitted his written testimony.

EXHIBIT (agh30a03)

{Tape: 1; Side: A; Approx. Time Counter: 19.2}

REP. THOMAS came in.

Joshua Osher, Buffalo Field Campaign, said that trying to make the bison brucellosis-free is unrealistic. The bison outside of the park are vaccinated and therefore there is no reason to vaccinate inside the park. Brucellosis is in lots of different animals; a better solution to this problem would be to find a vaccination that cures brucellosis in cattle instead of trying to vaccinate all the bison and animals that carry brucellosis. This would protect Montanan's cattle. Some other solutions to help protect Montanan's cattle are: 1) protect the feed lots, so that bison and cattle are not mixed together; 2) remove the cow/calf pairs from Montana.

William Patric, Greater Yellowstone Coalition, said that there are many reasons why the bison should not be vaccinated. The bison herd in Yellowstone National Park is the only wild bison herd left in the United States. There are about 4,000 bison. The cattle that were infected by elk in Idaho were being fed by a rancher. The status of brucellosis in Montana is creating unjustified fears in the state. To think that this state would be completely free of brucellosis is a ridiculous standard to try and uphold. It makes sense to vaccinate, however not with the bison because they are wild. The bison should be kept free.

{Tape: 1; Side: B; Approx. Time Counter: 0 - 1}

Rachel Simons, said that there are other solutions to this problem, and they need to look to different solutions to solve this problem.

{Tape: 1; Side: B; Approx. Time Counter: 1.1 - 3.4}

Mike Mease, Buffalo Field Campaign, said that Montana stands on independence, and this state should not have to ask the national government for help. Any vaccine that is used on a human is about 65 to 75% effective, and what is being asked for the buffalo is a higher standard than that of humans. Montana is beautiful, different, and unique, and that is being threatened.

Questions from Committee Members and Responses:

REP. SMITH stated that Jim Coefield talked about a different plan. **REP. SMITH** asked Jim Coefield, "What is the right plan?" **Jim Coefield** said the right plan is called Plan B, which would do a number of things. It would allow compensation for the rancher, and spacial separation between cattle and buffalo, and allow for vaccination. It would also bring the ranchers and Yellowstone National Park together to see what they would live with. It would also build fences to keep feed lots free.

REP. SMITH stated that before the herd got over 1,800, they had a way of thinning them out, that worked well. **REP. SMITH** then asked Jim Coefield why he thought that they should take the ranchers land away now. **Jim Coelfield** said that they would not talking about taking the land away from the rancher. It would be designed so that it would be completely voluntary.

REP. SMITH asked Jim Coefield if he would explain his definition of "natural management." **Jim Coefield** said that the buffalo are managed through natural regulation. Those animals that are the strongest will survive, and the buffalo have survived. Part of the problem is that buffalo have always looked to other places besides the park. They have a birthing range and a wintering range, which are both critical to the natural management. This herd is the only wild herd left; all the rest have been contaminated. The herd in Yellowstone National Park is the only herd that is genetically pure. Another plan that has been looked at is creating alternative wild ranges in other states.

REP. SMITH asked Jim Coefield, "Who will pay for these ranges?" **Jim Coefield** said that they could be private, tribal, or BLM. They are also looking at Fort Belknap and a place in southern Wyoming. This is just a program that would create huge areas so that the wildlife could be brought back. This would be more of a federal program.

REP. PETERSON asked Arnold Gertonson how many years the development of the buffalo plan took. **Arnold Gertonson** said that it took eight to nine years, and there were many public meetings.

REP. PETERSON asked Arnold Gertonson if the objective of this plan was to eliminate brucellosis in the buffalo. **Arnold Gertonson** said, "Yes."

REP. PETERSON asked Arnold Gertonson, "In his expert opinion, how many buffalo can Yellowstone National Park handle?" **Arnold Gertonson** said, "Three thousand buffalo at maximum."

REP. MALCOLM asked William Patric if he was familiar with the range management expert that have put out studies in regard to the numbers of animals in an area. **William Patric** said that he was familiar with them.

REP. MALCOLM said that the number of bison that Yellowstone Park can handle year-round is 600 head. **William Patric** said that he disagreed with that, because currently there are 3,600 bison in the park and they are doing good.

REP. MALCOLM said that there has been damages caused to the warm springs and the rivers in Yellowstone National Park, and it is because there are too many elk and buffalo there. When the number of animals is increased, so is the disease factor.

William Patric said that he could not think of a better place than Yellowstone when it comes to the ecosystem. He said that it is doing very good.

REP. MALCOLM asked William Patric, "What type of land were the buffalo coming out onto when then spilled out of the park?" **REP. MALCOLM** said that it is private land, and they come right down the river. **William Patric** said that the buffalo go out into the Horse Butte area, which is public land.

REP. LAMBERT asked Jim Coefield if he had a list of landowners who would be willing to let the buffalo roam on their land. She further asked if it is against the law for a person to let the buffalo roam freely on their land. **Jim Coefield** said that he does not have a list, however there are people that are interested. He also said, "If you do not want buffalo on your land, then you should fence it."

REP. LAMBERT asked Jim Coefield, "If I choose to have buffalo wander with my cattle, is there a law against it?" **Jim Coefield** said that there is no law against it; however, there are regulations that need to be followed.

{Tape: 1; Side: B; Approx. Time Counter: 22.6}

REP. JACKSON came in.

REP. SMALL-EASTMAN stated that the Crow Tribe have buffalo, and they maintain their herd by thinning them. **REP. SMALL-EASTMAN** asked Cork Mortensen if there is a possibility that the herd in Yellowstone Park could be cut down in size. **Cork Mortensen** said that in the 1960's he worked in the park. The size of the herd then was about 450 to 500 buffalo, and they were responsibly maintained. However, after many years, the herd increased

greatly. He also said that the transfer of brucellosis from elk to bison does not happen that often.

{Tape: 2; Side: A; Approx. Time Counter: 0 - 2.6}

REP. SMALL-EASTMAN asked Cork Mortensen if the herd needs to be eliminated. **Cork Mortensen** said that it does not need to be eliminated, just properly managed. Buffalo can be managed just like cattle.

REP. SMALL-EASTMAN asked Cork Mortensen if the buffalo could be managed in a healthy way. **Cork Mortensen** said, "Yes."

REP. SMALL-EASTMAN stated that Jim Coefield talked about their plan of working with the tribes to find land for the buffalo to roam free on. **REP. SMALL-EASTMAN** asked Jim Coefield if he would like the buffalo to live without management. **Jim Coefield** said that there will have to be some type of management. He also said that there are nine Indian tribes that have land around Yellowstone Park, and that they would work with the tribes for creative management.

REP. SMALL-EASTMAN asked Jim Coefield how many buffalo Yellowstone Park would hold per year. **Jim Coefield** said that it is a moving target, but probably between 4,000 and 5,000 per year.

REP. THOMAS asked Cork Mortensen if the Yellowstone Plateau was a preservation for buffalo. **Cork Mortensen** said that he did not think so, because man put them there.

Closing by Sponsor:

{Tape: 2; Side: A; Approx. Time Counter: 6.7 - 12.4}

REP. WAGMAN said that brucellosis is not natural in buffalo; it was brought by cattle, and it could be eliminated in a four- to five-year period. He also said that this state is headed for a wreck with 4,000 buffalo in Yellowstone. Currently buffalo are classified as cattle because of brucellosis. However, if they get rid of brucellosis they will be considered wild and will be free to roam in and outside of the park. Once the buffalo are brucellosis-free the restrictions will be lifted. If brucellosis is eliminated in buffalo, then it will eventually be eliminated in elk. **REP. WAGMAN** urged a Do Pass.

HEARING ON HJ 17

Sponsor: REPRESENTATIVE JIM PETERSON, HD 94, Buffalo

Opening Statement by Sponsor:

{Tape: 2; Side: A; Approx. Time Counter: 12.8 - 19.6}

REP. PETERSON said that this resolution is because of a concern on the impact of proposed trade agreements. Currently there are negotiations that are taking place and a message needs to be sent to Congress and the President about unilateral trade. There is no advantage to have an unilateral agreement with Australia or New Zealand, unless the United States will be getting something in return. This resolution will send the message that we will not provide more access than we will gain. There is no gain in establishing a free trade agreement with Australia. Currently our beef is banned from the European market because of hormones.

Proponents' Testimony:

Ralph Peck, Director of Montana Department of Agriculture, stated that they are in full support of this resolution.

Lochiel Edwards, VP Montana Grain Growers Association, submitted his written testimony.

EXHIBIT(agh30a04)

Barbara Broberg, WIFE, stated that they are in support of this resolution.

Bill Garrison, Montana Stock Growers Association, said that livestock is the number-one industry in Montana. There are lots of markets, but right now we can not compete with Australia, because of their lean percentage and their currency advantages. A strong message needs to be sent to Congress.

Bob Gilbert, Montana Dairy Association, Montana Wool Growers, said that the United States cannot get lamb under the free trade agreement with Australia. He stated that both groups he represents are opposed to free trade with Australia and that they are concerned with New Zealand.

John Semple, Montana Cattle Women, said that they are in support of this resolution.

Mike Murphy said that they are in support of this resolution.

Bill Donald, President of Montana Stock Growers Association, said that it is important to be at the table to express interests. Trade is a very important part of a vibrant economy and it was their job to enlighten Congress on this matter.

Gary Amestoy, Richland Economic Development, said that they are in support of this resolution.

Chris Christiaens, Montana Farmers Union, said that they are in support of this bill.

Opponents' Testimony: none

Questions from Committee Members and Responses: none

Closing by Sponsor:

REP. PETERSON said that there is strong industry support of this resolution and urged the Committee to support it.

HEARING ON SJ 8

Sponsor: SENATOR JON TESTER, SD 45, Big Sandy

Opening Statement by Sponsor:

{Tape: 2; Side: B; Approx. Time Counter: 0 - 1.6}

SEN. TESTER said that what this resolution does is state that Montana farmers and ranchers will produce genetically-engineered wheat when the industry wants it. "When the markets want it, we will grow it," he stated.

Proponents' Testimony:

Chris Christiaens, Montana Farmers Union, said that they support this resolution. In the past they have had a moratorium on genetically-engineered wheat, however now there are encouraging research.

Lochiel Edwards, VP Montana Grain Growers Association, said that biotechnology is an emerging science. It is a matter of when it will be introduced, not if it will be introduced. This resolution will send a message to the following; 1)the customers, 2)the research community, 3)the USDA, and U.S. Department of Agriculture. This will send the message that Montana is open for business.

Barbara Broberg, WIFE, said that they are in support of this resolution because it is careful and optimistic.

{Tape: 2; Side: B; Approx. Time Counter: 8.2 - 11.2}

Trad Willis, read a letter by Robert Quinn.

EXHIBIT (agh30a05)

Cody Ferguson, stated that he is in support of this resolution.

Pam Langley, Montana AgBusiness, said that they support this bill, and handed out a brochure. Genetically-engineered foods do not cause any problems; however, these crops have been scrutinized. The FDA will not allow advertising of foods that are GMO free, because this implies that GMO's are inferior. She also handed out a brochure on agricultural biotechnology.

EXHIBIT (agh30a06)

EXHIBIT (agh30a07)

Pam Langley also handed out an article about how Egypt is open to buying GMO's.

EXHIBIT (agh30a08)

Opponents' Testimony: none

Questions from Committee Members and Responses:

REP. LAMBERT asked **SEN. TESTER** if there are any GMO wheat products that can be purchased on the market. **SEN. TESTER** said, "Not that I am aware of; there are corn and soybeans, but not wheat or barley."

Closing by Sponsor:

SEN. TESTER urged the Committee to pass this resolution.

HEARING ON HJ 18

Sponsor: **REPRESENTATIVE KARL WAITSCHIES, HD 96, Peerless**

Opening Statement by Sponsor:

REP. WAITSCHIES said that this resolution will urge the federal government to bring forth disaster relief. It will do five things: 1)urge emergency disaster assistance, 2)be all-inclusive, 3)cover both 2001 and 2002, 4)protect the Farm Bill, 5)urge an early decision.

Proponents' Testimony:

Ralph Peck, Director Montana Department of Agriculture, said that we need tools to help the industry survive, and this is one of the tools. He also stated that they are in strong support of this resolution.

Keith Schott, Treasurer Montana Grain Growers Association, submitted his written testimony.

EXHIBIT (agh30a09)

Steve Pilcher, Montana Stock Growers Association, said that the stock growers are struggling and an early decision on CRP release is needed.

{Tape: 3; Side: A; Approx. Time Counter: 0 - 1.6}

John Semple, Montana Cattle Women, said that they are in support of this resolution.

Pam Langley, Montana AgBusiness, said that they are in support of this resolution.

Chris Christiaens, Montana Farmers Union, said that they are in support of this and it is time for Congress to act.

Opponents' Testimony: none

Questions from Committee Members and Responses: none

Closing by Sponsor:

REP. WAITSCHIES said that he does not need to convince anyone of the need for this, and urged the Committee to support this resolution.

EXECUTIVE ACTION ON HJ 18

Motion/Vote: **REP. LAMBERT** moved that **HJ 18 DO PASS**. Motion carried 16-0, by voice vote.

EXECUTIVE ACTION ON HJ 17

Motion/Vote: **REP. JACKSON** moved that **HJ 17 DO PASS**. Motion carried 16-0, by voice vote.

EXECUTIVE ACTION ON HJ 15

Motion/Vote: REP. JACKSON moved that HJ 15 DO PASS. Motion carried 15-1 with REP. BIXBY voting no, by voice vote.

Motion/Vote: REP. LAMBERT moved that HJ 17 and HJ 18 be moved to the CONSENT CALENDAR. Motion carried 16-0, by voice vote .

Motion/Vote: REP. LAMBERT moved TO INTRODUCE A COMMITTEE BILL. Motion carried 16-0, by voice vote.

Exhibits 10, 11 and 12 were handed to the secretary, but were not referred to in committee.

EXHIBIT(agh30a10)

EXHIBIT(agh30a11)

EXHIBIT(agh30a12)

REP. PETERSON handed out to the committee an editorial that he wrote in regard to game farms.

EXHIBIT(agh30a13)

ADJOURNMENT

Adjournment: 5:30 P.M.

REP. DIANE RICE, Chairman

LISA GALLAGHER, Secretary

DR/LG

EXHIBIT (agh30aad)